

UNITED STATES DISTRICT COURT
for the
EASTERN DISTRICT OF NORTH CAROLINA

U.S.A. vs. Edward James Tillery

Docket No. 4:02-CR-62-1H

Petition for Action on Supervised Release

COMES NOW Taron N. Seburn, U.S. Probation Officer of the court, presenting a petition for modification of the Judgment and Commitment Order of Edward James Tillery, who, upon an earlier plea of guilty to Conspiracy to Distribute and Possess with the Intent to Distribute More Than 50 Grams of Cocaine Base (Crack), in violation of 21 U.S.C. § 846 and 841(b)(1)(A), was sentenced by the Honorable Malcolm J. Howard, Senior U.S. District Judge, on March 17, 2003, to the custody of the Bureau of Prisons for a term of 216 months. It was further ordered that upon release from imprisonment the defendant be placed on supervised release for a period of 5 years. On April 16, 2015, pursuant to 18 U.S.C. § 3582(c)(2), the defendant's previously imposed sentence of imprisonment was reduced to 175 months. Edward James Tillery was released from custody on October 30, 2015, at which time the term of supervised release commenced.

On September 27, 2016, a Petition for Action on Supervised Release was filed after the defendant committed the offenses of Driving While Impaired, Reckless Driving, Driving While License Revoked, and Expired Registration Card/Tag in Cabarrus County, North Carolina. The defendant was instructed not to operate a motor vehicle on the highways of the State of North Carolina until his privilege to do so is restored in accordance with law, and as a sanction for the aforementioned violation, the court required the defendant to abide by the conditions of the home detention program for a period not to exceed 60 days.

RESPECTFULLY PRESENTING PETITION FOR ACTION OF COURT FOR CAUSE AS FOLLOWS: The defendant tested positive for cocaine on November 15, 2016, and November 30, 2016. The results were confirmed by laboratory analysis on November 23, 2016, and December 9, 2016, respectively. On November 30, 2016, the defendant signed an admission of drug use form acknowledging his use of cocaine as indicated by the test results. The defendant was enrolled in the Surprise Urinalysis Program, and has been referred for a substance abuse assessment at Second Chance Recovery, in Rocky Mount, North Carolina. As a sanction for this violation, the defendant has agreed to participate in the DROPS program and he will be required to serve a 7 day jail sanction. The defendant signed a Waiver of Hearing agreeing to the proposed modification of supervision.

PRAYING THAT THE COURT WILL ORDER that supervised release be modified as follows:

1. While under supervision in the Eastern District of NC, the defendant shall participate in the DROPS Program and, in response to detected illegal drug use, shall be confined in the custody of the Bureau of Prisons for a period not to exceed 30 days of intermittent confinement, as arranged by the probation office, in the following increments: First Use - Two Days; Second Use - Five Days; Third Use - Ten Days; The defendant shall begin the DROPS Program in the third use level.
2. The defendant shall be confined in the custody of the Bureau of Prisons for a period of 7 days, as arranged by the probation office and shall abide by all rules and regulations of the designated facility.

Except as herein modified, the judgment shall remain in full force and effect.

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Reviewed and approved,


I declare under penalty of perjury that the foregoing
is true and correct.

/s/ Dwayne K. Benfield
Dwayne K. Benfield
Supervising U.S. Probation Officer

/s/ Taron N. Seburn
Taron N. Seburn
U.S. Probation Officer
201 South Evans Street, Rm 214
Greenville, NC 27858-1137
Phone: 252-830-2335
Executed On: January 9, 2017

ORDER OF THE COURT

Considered and ordered this 18TH day of January, 2017, and ordered filed and
made a part of the records in the above case.



Malcolm J. Howard
Senior U.S. District Judge